

March 31, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

Re: WT Docket No. 10-4  
RM-11497  
RM-11592

Dear Ms. Dortch:

On March 30, 2011, Harold Feld, Legal Director, Public Knowledge (PK), met with the following members of the Wireless Bureau: Ruth Milkman, Chief, Jim Schlichting, Deputy Chief, David Goldman, Joyce Jones, Paul Murray, Peter Trachtenberg, Roger Noel, Michael McKenzie, and Tom Peters, with regard to the above captioned matters. Mr. Feld met separately with Josh Cinelli, Advisor to Commissioner Copps, and made substantially the same presentation.

With regard to RM-11497, PK voiced support for permitting consumers to continue to buy wireless boosters without consent of wireless carriers. PK observed that allowing customers to “self provision” helps to expand the availability of broadband and lower overall build out cost. The Commission has adequate authority under Section 302 (47 U.S.C. §302a) to prevent harmful interference by imposing quality and operation standards on the sale and use of boosters themselves.

With regard to the technical issues raised by Verizon, the Commission has the authority to act on complaints of actual interference and to clarify that licensees have the authority to demand an abatement of interference without resolving the underlying legal status of boosters. Regardless of the legal right of consumers to purchase and operate boosters (a right PK believes consumers possess under current law), the Commission’s authority over all wireless transmissions and its core responsibility to prevent harmful interference allow it to specify how it will resolve possible interference risks among lawful users in specific situations. Similarly, under the Commission’s authority in Section 302 (47 U.S.C. 302a), the Commission need not create rules to specify “safe” boosters in order to act to prevent the sale, manufacture or transport of specific boosters or specific models found to create a risk of harmful interference. However, the Commission should clarify that, during the pendency of any rulemaking, consumers may continue to rely on their good faith understanding that the purchase of boosters remains legal pending resolution of the Petition or adoption of new rules – subject to the duty to abate harmful interference.

With regard to RM-11592, PK again urged that the Commission grant the Petition and require interoperability for all commercial devices operating on the 700 MHz band. This would both enhance commercial competition and lower the cost of interoperable equipment to the public safety community.



In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Harold Feld  
Legal Director  
Public Knowledge

CC: Ruth Milkman  
Jim Schlichting  
David Goldman  
Joyce Jones  
Paul Murray  
Peter Trachtenberg  
Michael McKenzie  
Tom Peters